

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD GURR,

Defendant/Judgment Debtor,

and

NOLL/NORWESCO, LLC,

Garnishee.

Case No. 2:16-mc-00179-RSL

(2:08-cr-00411-1)

**Order Sustaining United States'
Objection to Noll/NorWesCo's
Answer to Writ of Garnishment
and Requiring Noll/NorWesCo to
File a Proper Answer and
Withhold Property**

This matter came before the Court on the United States' April 27, 2017, "Objection to Noll/NorWesCo's Answer to Writ of Garnishment and Petition for Order Requiring Noll/NorWesCo to File a Proper Answer and Withhold Property." The Court has considered the United States' Motion and any memorandum and evidence Garnishee Noll/NorWesCo, LLC (NorWesCo) has filed in opposition. For the reasons stated in the United States' Motion, the

1 Court finds that (1) NorWesCo's Answer [dkt. no. 6] to the Writ of Garnishment
2 does not provide required information regarding the property of
3 Defendant/Judgment Debtor Bernard Gurr (Mr. Gurr), and (2) NorWesCo has
4 not withheld the required 25 percent of Mr. Gurr's disposable earnings since it
5 was served with the Writ of Garnishment on December 10, 2016.
6

7 Accordingly, the Court orders as follows:

8 (1) Within 10 days of the entry of this Order, NorWesCo shall file a
9 proper Answer to the Writ of Garnishment, using the "Form Answer" that was
10 served upon NorWesCo along with the Writ of Garnishment, and reporting all
11 property in its possession, custody, or control in which Mr. Gurr has a
12 substantial nonexempt interest;
13

14 (2) NorWesCo shall immediately begin withholding 25 percent of Mr.
15 Gurr's disposable earnings, pursuant to the Writ of Garnishment; and
16

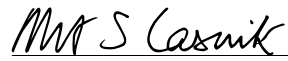
17 (3) Within 30 days of the entry of this Order, NorWesCo shall remedy its
18 failure to withhold 25 percent of Mr. Gurr's disposable earnings after being
19 served with the Writ of Garnishment on December 10, 2016, as follows:

20 (a) NorWesCo shall file an accounting with the Court showing for
21 the period from December 10, 2016 through the present, the amounts of
22 Mr. Gurr's gross and disposable earnings, the amounts it has withheld
23 from Mr. Gurr's earnings pursuant to the Writ of Garnishment, and the
24 amounts it has paid from its own funds to remedy its failure to withhold
25 25 percent of Mr. Gurr's disposable earnings; and
26
27
28

(b) NorWesCo shall pay from its own funds, not by garnishing additional amounts from Mr. Gurr, the amount by which its withholdings pursuant to the Writ of Garnishment fall short of 25 percent of Mr. Gurr's disposable earnings. See 28 U.S.C. § 3205(c)(6). NorWesCo shall add such amounts to its withholdings pursuant to the Writ of Garnishment and shall hold these funds until the Court enters a Continuing Garnishee Order directing payment to the Court.

IT IS SO ORDERED.

Dated this 19th day of May, 2017.


Hon. Robert S. Lasnik
U.S. District Court Judge

Presented by:

s/ Kyle A. Forsyth
Kyle A. Forsyth, WSBA # 34609
Assistant United States Attorney